



## FENWICK &amp; WEST LLP

SILICON VALLEY CENTER

801 CALIFORNIA STREET | MOUNTAIN VIEW, CA 94041

TEL 650.988.8500 | FAX 650.938.5200 | [WWW.FENWICK.COM](http://WWW.FENWICK.COM)

July 21, 2006

DARRYL M. WOO

EMAIL [DWOO@FENWICK.COM](mailto:DWOO@FENWICK.COM)  
DIRECT DIAL (415) 875-2368

The Honorable Douglas P. Woodlock  
 John Joseph Moakley United States Courthouse  
 One Courthouse Way, Suite 2300  
 Boston, MA 02210

Re: Skyline Software Systems, Inc. v. Keyhole, Inc. and Google Inc.,  
 Civil Action Nos. 04-11129 DPW and 06-10980 DPW

Dear Judge Woodlock:

Pursuant to the Court's June 9, 2006 order, the parties have conferred and hereby jointly submit the following revised proposed case calendar, taking into account the addition to the pending action of case no. 06-10980 DPW (regarding patent claims other than Claims 1 and 12), and subject, of course, to the Court's availability and approval:

- 09/22/06: Fact discovery cutoff (as to liability only, and not damages)
- 09/29/06: Last day for each party to file and serve respective opening claim construction briefs on claims other than Claims 1 and 12 (simultaneous exchange)
- 10/11/06: Last day for each party to file and serve respective responsive claim construction briefs on claims other than Claims 1 and 12 (simultaneous exchange)
- 11/01/06: Hearing on claim construction for claims other than Claims 1 and 12
- 12/08/06: Last day to serve supplemental expert reports (on claims other than Claims 1 and 12), on issues for which the party bears the burden of proof, by Federal Express or another method to ensure overnight delivery of expert reports with exhibits (including to Fenwick & West)
- 12/22/06: Last day to serve supplemental responsive expert reports (on claims other than Claims 1 and 12) by Federal Express or another method to ensure overnight delivery of expert reports with exhibits (including to Fenwick & West)
- 01/12/07: Deadline for conducting expert depositions (on all claims)
- 01/19/07: Last day to file and serve motions for summary judgment and opening briefs in support thereof
- 02/02/07: Last day to file and serve motion for summary judgment responsive briefs
- 02/09/07: Last day to file and serve motion for summary judgment reply briefs
- 02/23/07: Hearing on motions for summary judgment

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Trial to commence: Either 03/19/07 (Skyline's proposal) or  
05/21/07 (Keyhole/Google's proposal)

While the parties agree on the above dates, they separately propose different trial dates. Plaintiff Skyline Software Systems, Inc. proposes a trial date of 03/19/07, which it argues expedites trial and conforms to the Court's availability. Defendants Keyhole, Inc. and Google Inc. propose a trial date of 05/21/07, subject to the Court's availability, which they argue will allow sufficient time for the Court to rule on the motions for summary judgment before the parties invest additional resources preparing for trial, and also to accommodate the schedule of defendants' expert witness, who is obligated to teach class in New York during the period of trial proposed by Skyline. For the convenience of the Court, alternative proposed forms of order bearing the parties' respective proposed trial dates are enclosed.

The parties very much appreciate the Court's attention to the proposed schedule and trial scheduling. Should the Court wish to discuss the proposed schedule with the parties, the parties suggest that be done in a telephone conference at a time convenient to the Court.

Respectfully submitted,

FENWICK & WEST LLP

  
Darryl M. Woo

Attorneys for Defendants Keyhole, Inc. and Google Inc.

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO P.C.

  
H. Joseph Hameline

Attorneys for Plaintiff Skyline Software Systems, Inc.

cc: Nelson Apjohn, Esq.